

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

(Sacramento, California)

IRON MOUNTAIN, INC.

Employer

and

CHAUFFEURS, TEAMSTERS AND HELPERS, LOCAL
UNION NO. 150, INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, AFL-CIO

Petitioner

20-RC-17888**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 1/
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer. 2/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 3/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 4/

All full-time and regular part-time, records center specialists, records center coordinators, transportation coordinators, records center couriers, project coordinators, mobile shredder operators, customer service representatives, data entry specialists, data entry coordinators and billing specialists employed by the Employer at its Sacramento, California facility; excluding all other employees, sales representatives, office clerical employees, professional employees, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION 5/

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, in an economic strike which commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll

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period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **Chauffeurs, Teamsters and Helpers, Local Union No. 150, International Brotherhood of Teamsters, AFL-CIO.**

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **NLRB. Wyman-Gordon Company**, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. **North Macon Health Care Facility**, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in the Regional Office, 901 Market Street, Suite 400, San Francisco, California 94103, on or before October 2, 2003. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by October 9, 2003.

Dated September 25, 2003.

at San Francisco, California

/s/ Robert H. Miller
Regional Director, Region 20

- 1/ The parties stipulated, and I find, that the Employer is a Delaware corporation with a facility in Sacramento, California, where it is engaged in the business of records management. During the twelve-month period preceding the hearing, the Employer purchased goods and services valued in excess of \$50,000 directly from suppliers located outside the State of California. Based on the parties' stipulation, I find that that it will effectuate the purposes and policies of the Act to assert jurisdiction in this matter.
- 2/ The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of the Act.
- 3/ The parties stipulated, and I find, that there is no contract bar to this proceeding.
- 4/ The Petitioner seeks to represent a unit comprised of approximately 18 employees, including records center specialists, records center coordinators, transportation coordinators and records center couriers employed by the Employer at its Sacramento, California facility; excluding all other employees, customer service representatives, data entry specialists, data entry coordinators, billing specialists, project coordinators, mobile shredder operators, destruction technicians, professional employees, guards and supervisors as defined by the Act.

The Employer contends that to be appropriate, the unit must also include customer service representatives, data entry specialists, data entry coordinators, billing specialists, mobile shredder operators, project coordinators and destruction technicians. The Petitioner takes the opposite position.

The parties stipulated, and I find, that none of the employees in the petitioned-for unit and the classifications at issue are statutory supervisors. Although the record reflects that the Employer also employs sales representatives who report to a regional manager, no party seeks to have them included in the unit. In these circumstances, and in the absence of any evidence warranting their inclusion, the sales representatives will be excluded from the unit.

Background. The Employer is engaged in the business of information storage and management. Its Sacramento facility consists of a front office and a records center where customer information is stored. Overall, approximately 38 employees work at the Employer's facility. All of the employees in the petitioned-for unit and the classifications at issue are hourly employees and they constitute the only hourly employees at the Employer's facility. In addition, all of the employees in the petitioned-for unit and the classifications at issue have the same benefits and incentive plan, the latter of which is based on a percentage of wages and the individual employee's attendance record.

David Gessinger is the District Manager of the Employer's Sacramento District. He oversees the Sacramento facility and has an office there. Gessinger spends about 30 minutes each day on the floor of the facility, however, he does not directly supervise the employees there. Reporting to Gessinger is Operations Manager Doreen Walker, who manages the records center and the records center courier functions. Under Walker is Records Center Supervisor John McKleen, who directly supervises the records center specialists and records center coordinator. The records center couriers, transportation coordinator, project coordinator, mobile shredder operator and destruction technician all report directly to Operations Manager Walker. Customer Service Manager Cheryl Pearson, who reports directly to Gessinger, supervises the customer service representatives, data entry specialists, data entry coordinator and billing specialists.

There is no history of collective bargaining at the Employer's Sacramento facility. However, the record reflects that the Employer has collective-bargaining agreements with other locals of the Teamster's Union at its facilities in the San Francisco Bay Area, which cover units that include both warehouse employees and warehouse clerical employees; that is, they include records center specialists, records center leads, records center couriers, office clerks and office leads (i.e., data entry, accounts payable/accounts receivable and customer service employees). I take administrative notice that Sacramento is located approximately ninety miles from San Francisco.

Customer Service Representatives. The Employer's workflow process typically begins with the customer service representatives who receive telephone calls from customers asking to open new accounts or from existing customers, asking to have services performed in relation to the storage and retrieval of data they have stored with the Employer. Customer service representatives gather the information necessary to open new accounts and they input customer work orders into the Employer's automated work order system. They also assist customers who come to the Employer's facility. The customer service representatives work at computers in a front office area at desks or in cubicles. They typically work from 8 a.m. to 5 p.m., Monday through Friday. No data entry or other special skills are required for this position and it pays between \$10 and \$16 an hour. There is no evidence that the customer service representatives are cross-trained to perform the work of employees in other classifications and they rarely substitute for other employees. There is also no evidence that any customer service representative has ever permanently transferred into any other position or vice versa.

The record reflects that the customer service representatives directly interact with the records center specialists and the records center couriers to ensure that rush or emergency orders are promptly delivered to customers. They also sometimes enter the records center to retrieve boxes for customers.

The Transportation Coordinator. In the Employer's workflow process, after the customer service representatives input work orders into the computer, the transportation coordinator takes the work orders and coordinates the routes of the records center couriers for the pick up and delivery of customer information. The transportation coordinator also performs records center courier work approximately once a week. The transportation coordinator works within the records center and reports directly to Operations Manager Walker. In hiring for this position, the Employer seeks applicants with a high school degree, job experience, organizational skills and a good driving record. The record does not disclose the pay rate of the transportation coordinator. As indicated above, the parties stipulated, and I find, that the transportation coordinator is not a statutory supervisor.

Records Center Couriers. As indicated above, the transportation coordinator turns over the work orders to the records center couriers to make deliveries and pick-ups for customers. The records center couriers report directly to Operations Manager Walker. They report to the records center each morning and prepare boxes for delivery to customers. They then spend the remainder of their workday in their vehicles picking up or making deliveries to customers. The records center couriers use dollies and hand trucks to load and unload their vehicles. They drive extended-cab Ford vans and their work does not require any special type of licensing or certifications. Their starting pay rate is \$10 to \$10.50 an hour. The records center couriers interact with the records center specialists in staging boxes for deliveries and in unloading boxes retrieved from customer locations. They also interact directly with the customer service representatives when rush or emergency customer orders are processed.

Records Center Coordinator. Records Center Coordinator Roberta Gibbons is responsible for coordinating the work of the records center specialists with regard to the storage and management of customer records within the Employer's records center. Gibbons delegates and coordinates the assignment of such orders to the records center specialists and also performs the same work as the records center specialists on a daily basis. Gibbons is also responsible for notifying management when additional manpower, equipment or materials are needed for the records center. She has no authority to discipline, hire or fire employees or to ultimately determine work assignments within the records center. Operations Manager Walker and Records Center Supervisor McKleen control such decisions. In hiring for the records center coordinator position, the Employer seeks applicants with a high school diploma or its equivalent and organizational skills. The hourly pay rate for this position starts at about \$11 an hour. The record reflects that the Employer views the records center coordinator position as a lead person type position. As indicated above,

the parties stipulated, and I find, that the records center coordinator is not a statutory supervisor.

Records Center Specialists. After the records center couriers have retrieved boxes of customer information to be stored by the Employer, and Records Center Coordinator Gibbons has distributed the work orders, the records center specialists perform several tasks within the records center as required under customer contracts. These tasks include putting away boxes within the warehouse, retrieving boxes, recycling and destroying documents, and periodically auditing the warehouse to ensure that customer records are properly stored. The records center specialists use carts, ladders, forklifts, and other equipment to perform their job and 90% of their workday is spent on their feet performing manual labor. They are cross-trained to perform the various warehouse tasks described above. There is no evidence that the records center specialists have been trained to perform the work of employees in any other classification or that they temporarily transfer into any other position. As indicated below, one records center specialist was promoted to the position of project coordinator; one became a mobile shredder operator; and one became a destruction technician. However, there is no evidence that employees in any other classification have permanently transferred into the records center specialist position. The records center specialists interact with the records center couriers on a daily basis, taking boxes of customer documents delivered to the center by the couriers and turning information over to the couriers for delivery to customers. They also work with the records center coordinator, as described above, and they interact with the project coordinator, mobile shredder operator, destruction technician, and the data entry specialists, as described below.

The records center specialists report to Records Center Supervisor McKleen, who, in turn, reports to Operations Manager Walker. The Employer requires applicants for the records center specialist position to have a high school diploma or its equivalent but does not require that applicants possess any special skills to be hired. The wage rate for the records center specialist position is from approximately \$10 to \$14 an hour.

Project Coordinator. At the time of the hearing, the Employer employed one project coordinator, Dave Oltar, who reported directly to Operations Manager Walker. At times, Walker accompanies Oltar when he works at customer locations. Oltar handles special customer projects such as indexing, re-filing, removing and or creating folders for customers. In handling such projects, Oltar delegates and coordinates the work of the records center couriers, records center specialists and data entry specialists who are assigned to work with him on a project. Oltar also performs the same work as the records center specialists and couriers on projects. At the time of the hearing, there was

insufficient project work to keep Oltar busy and he was spending a portion of his time performing courier and records center specialist work.

In hiring for the project coordinator position, the Employer seeks persons with a high school degree or its equivalent; the baseline skills of a records center specialist; a knowledge of logistics and filing schemes; and the possession of basic planning and organizational skills. Oltar was promoted to the position of project coordinator from his prior job as a records center specialist. He was given a raise at the time of his promotion and earns about a dollar an hour more than the records center specialists. As indicated above, the parties stipulated, and I find, that the project coordinator is not a statutory supervisor.

Mobile Shredder Operator. The Employer created the positions of mobile shredder operator and destruction technician about six months before the hearing in order to meet the need of customers to have records destroyed onsite. The mobile shredder operator reports directly to Operations Manager Walker. The position requires an air brakes certification and a Class B driver's license. A former records center specialist was promoted into this position and was given a raise after he obtained the necessary licensing and certification. The pay range for the mobile shredder operator position is between \$12 and \$16 an hour. At the time of the hearing, there was insufficient demand for this type of work and the mobile shredder operator was spending only about two days a week performing mobile shredder operator work and the rest of the week was spent performing the work of a records center specialist and records center courier.

Destruction Technician. As indicated above, the destruction technician position was created about six months prior to the hearing. A records center specialist was promoted into this position when it was created and was given a raise. The destruction technician reports to Operations Manager Walker, and is responsible for entering customers' facilities to retrieve documents to be shredded in the mobile shredder while the mobile shredder operator stays with the vehicle. Because of the lack of demand for this type of work, the destruction technician had been performing records center specialist and courier work as was the mobile shredder operator. The pay rate for the position was \$10 to \$14 an hour, the same range as that of the records center specialist position. No special license or certification is required for the position.

At the time of the hearing, the destruction technician position was vacant. As indicated above, the record indicates that the demand for this type of work had been insufficient to generate more than a couple of days work. The record does not disclose if or when the Employer intends to hire a new destruction technician.

Data Entry Coordinator. The data entry coordinator's job is to ensure that customer data is entered properly into the Employer's computer system. The person in this position reports to Customer Service Manager Pearson and coordinates the assignment of batches of work to data entry specialists. She also confirms reports; checks for errors; and double checks that data entry work is correct. About a quarter of each day, the data entry coordinator also performs data entry specialist work, as described below. The parties stipulated, and I find, that the data entry coordinator is not a statutory supervisor. The starting rate of pay for this position is \$11 an hour.

Data Entry Specialists. The data entry specialists are responsible for entering information from customer files into the Employer's computer. They work at computers in an office area within the records center and report to Customer Service Manager Pearson. The Employer prefers that applicants for this position have data entry skills. There is no evidence that the data entry specialists perform the work of employees in other classifications or that they have ever transferred into a position in any other classification or vice versa. However, they do work together with records center specialists, records center couriers and the project coordinator on special projects within the records center. They also enter the records center to retrieve boxes of customer records to obtain data from to input into the computer. Records center specialists also retrieve and bring boxes to them. The data entry specialists work Monday through Friday, from approximately 8 a.m. to 5 p.m. They are paid at a rate starting at \$11 an hour.

Billing Specialists. The billing specialists work at desks or cubicles and rarely enter the records center where the records center specialists work. They are supervised by Customer Service Manager Pearson and their job is to reconcile records center activity and courier deliveries to ensure that customers are properly billed. They also respond to customer inquiries about billing. In hiring for this position, the Employer seeks employees with data entry and numerical skills. The record does not disclose any instance of temporary or permanent interchange involving these employees or cross training with other positions. The record does not disclose the pay rate of employees in this classification.

Analysis. As indicated above, the Petitioner seeks to represent a unit comprised of the Employer's records center specialists, records center coordinators, transportation coordinators and records center couriers. The Employer contends that to be appropriate, the unit also must include project coordinators, mobile shredder operators, customer service representatives, data entry specialists, data entry coordinators, billing specialists, and destruction technicians. For the reasons discussed below, I find that the project coordinators, the mobile shredder operators, customer service representatives,

data entry specialists, data entry coordinators and the billing specialists must be included in the unit.

Section 9(b) of the Act provides that the Board “shall decide in each case whether the unit appropriate for the purposes of collective-bargaining shall be the employer unit, craft unit, plant unit, or a subdivision thereof.” The test applied by the Board to determine whether employees share a community of interest with other unit employees is whether the employees in both groups have: (1) differences or similarities in wages, compensation and benefits; (2) whether they share common supervision; (3) whether they have similar hours of work; (4) whether they have differences or similarities in their qualifications, training and job skills; (5) whether their job functions are different or similar; (6) whether they have frequent contact; (7) whether they are functionally integrated and have frequent interchange and contact; and (8) the bargaining history. See *P.J. Dick Contracting, Inc.*, 290 NLRB 150, 151 (1988); *Kalamazoo Paper Box Corp.*, 136 NLRB 134 (1962).

With regard to the project coordinator and mobile shredder operator, I find that these positions must be included in the unit because the persons in these positions clearly share a substantial community of interest with the petitioned-for employees. They perform physical labor of the same type as the employees included in the petitioned-for unit; they have common supervision with petitioned-for employees; they have daily contact with such employees; and they perform the same jobs as petitioned-for unit employees on what appears to be a regular basis. In addition, the employees in both the mobile shredder operator and project coordinator positions were formerly records center specialists, a classification included in the unit. Although the mobile shredder operator is the only employee required to have a special brakes certification or driver’s license, I do not find that this is sufficient to set him apart from the other petitioned-for employees or eliminate his community of interest with them. I also note that the parties stipulated that the project coordinator is not a statutory supervisor and that he appears to be a leadperson for handling special projects. Leadpersons are typically included in bargaining units with the employees with whom they work. Finally, there is no history of collective bargaining at this facility that warrants a different conclusion.

Accordingly, the mobile shredder operator and project coordinator will be included in the unit.

The destruction technician position was vacant at the time of the hearing and the record did not disclose if or when the Employer intended to hire a new destruction technician. The record did disclose that insufficient onsite destruction work had been generated to create more than a couple of days work for this position.

If the destruction technician position had been filled and/or if there was evidence that it would be filled within a short time frame, I would find that this position should also be included in the unit for the same reasons as cited for the mobile shredder operator. However, because the destruction technician position is vacant and the record does not disclose whether the Employer intends to hire for the position, I make no formal ruling on the inclusion of this position in the unit. If a destruction technician is hired prior to the election, he or she may vote, subject to challenge.

With regard to the customer service representatives, data entry specialists, data entry coordinator and billing specialists, I find that these employees are warehouse and not office clericals. They perform typical warehouse clerical work of order taking, data entry and customer billing and not typical office clerical work. The Board has found that warehouse clericals should be included in units of warehouse employees when the duties of the warehouse clericals are integral to the functioning of the warehouse operations. See *Fleming Foods, Inc.*, 313 NLRB 948, 949 (1994); *John N. Hansen Co.*, 293 NLRB 63, 64-65 (1989); *S & S Parts Distributors Warehouse*, 277 NLRB 1293 (1985).

I find that the duties of the customer service representatives, data entry specialists, data entry coordinator and billing specialists are integral to the functioning of the warehouse operations and, accordingly, that they must be included in the unit. As described above, they are an integral part of the Employer's workflow process. The customer service representatives take work orders directly from customers and transmit them to the records center specialists and couriers for storage and management. The data entry specialists and data entry coordinator input the data from customer records into the Employer's computer system. The billing specialists ensure that customers are billed properly for work performed by the records center specialists, couriers and data entry specialists. While the employees in these warehouse clerical positions have differing skills, separate immediate supervision and do not substitute for other employees, they do have work-related contacts with employees in the petitioned-for unit on a regular basis. They also work together in the same facility, which has a relatively small employee complement, and they have similar rates of pay as the petitioned-for unit employees, the same benefits and the same incentive plan. In addition, they are under the overall control of the same manager. I also note, although it is certainly not controlling, that the Employer presently has collective-bargaining agreements in the San Francisco Bay Area with other Teamster locals, covering units which include both warehouse and clerical employees.

In these circumstances, given the integral nature of their work in the functioning of the Employer's warehouse operations; the small size of the Employer's facility; and the common factors involving common facility management, pay, benefits, incentive plan and contacts with other petitioned-for employees, I find

that the customer service representatives, data entry specialists, data entry coordinator and billing specialists must be included in the unit.

- 5/ Because the unit found appropriate herein is larger than petitioned for, the Petitioner will be accorded a period of ten days from the date of the Direction of Election in which to submit the requisite showing of interest to support an election. In the event the Petitioner does not wish to proceed with an election, it may withdraw its petition without prejudice by notice to the undersigned within seven days from the date of this decision. See *ACL Corporation d/b/a Atlanta Hilton and Towers*, 275 NLRB 1413 (1985).

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